

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07cv135**

JAMES DAVID MOSS; MARTHA GEAN MOSS; and JAMES LLOYD MOSS,)	
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Plaintiffs,)	
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)	
Vs.)	JUDGMENT
)	
JEFFREY N. MACKEY, Individually and as an Officer of the Maggie Valley Police Department, SCOTT SUTTON, Individually and as Chief of the Maggie Valley Police Department, MAGGIE VALLEY POLICE DEPARTMENT, TOWN OF MAGGIE VALLEY, BRIAN E. SIZEMORE, Individually and as a Deputy of the Haywood County Sheriff's Department, R. TOM ALEXANDER, as Sheriff of the Haywood County Sheriff's Department; and HAYWOOD COUNTY SHERIFF'S DEPARTMENT, HAYWOOD COUNTY,)	
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Defendants.)	
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THIS MATTER having come before the court on the defendants' Motion for Summary Judgment, the supporting and opposing memoranda of law, the defendants' Reply, and exhibits, and the court having determined that no genuine issue of material fact remains for trial and that defendants are entitled to judgment on all claims as a matter of law,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that defendants' Motion for Summary Judgment is **GRANTED**, plaintiffs' Complaint is **DISMISSED** with prejudice in its entirety, and **JUDGMENT** is entered providing that plaintiffs have and take nothing of these defendants.

Signed: October 1, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

